

CA2ALXC 2

72C53

c.2

LIBRARY  
VAULT 19

CA2 ALXC 2 1972C53  
Obscenity, Pornography, Censorship and R  
elated Issues, a Report to the Sel 2



3 3398 00306 4382

A Report

to

The Select Committee on Censorship

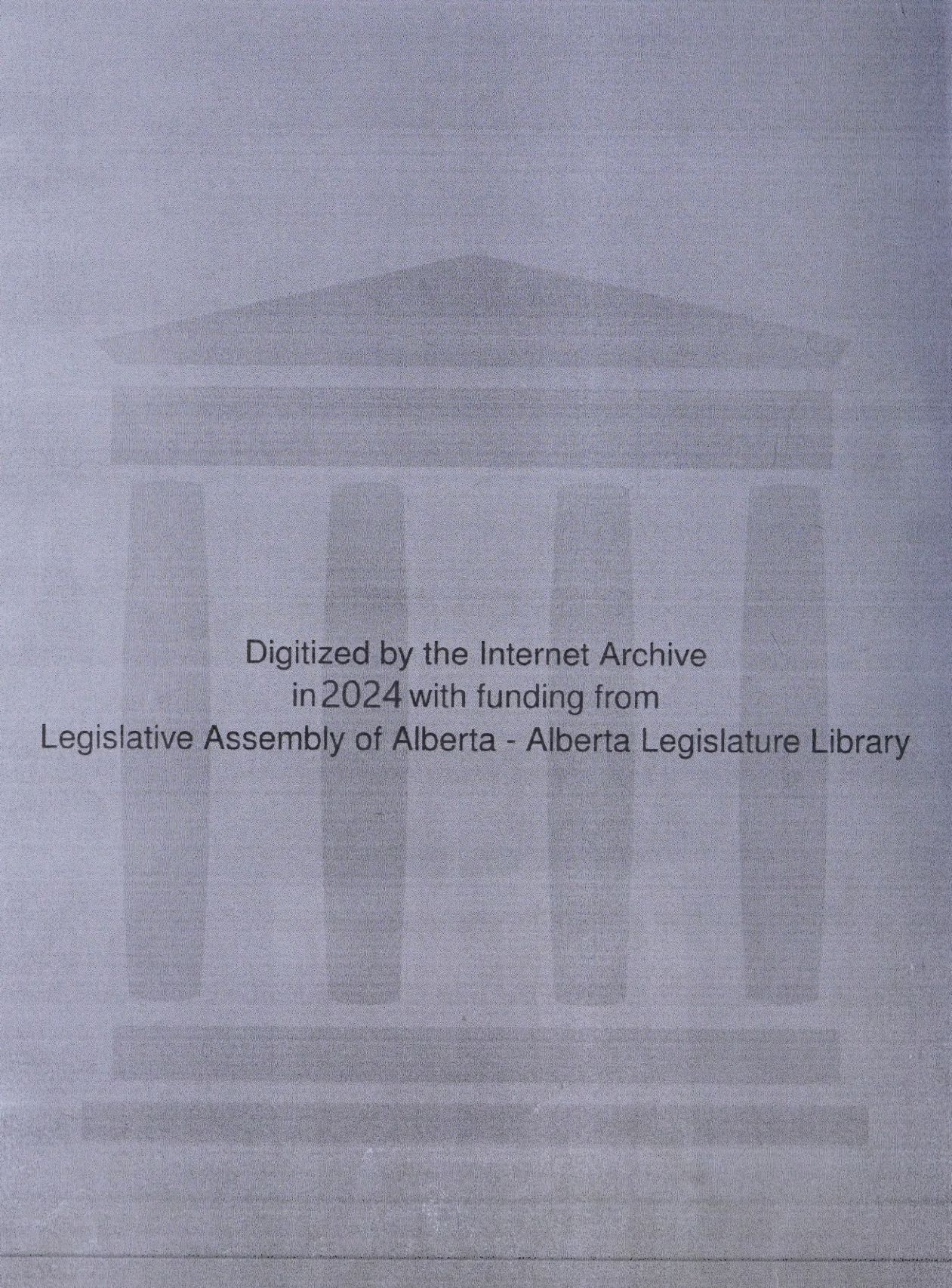
C 2

CA2ALXC 2

72C53

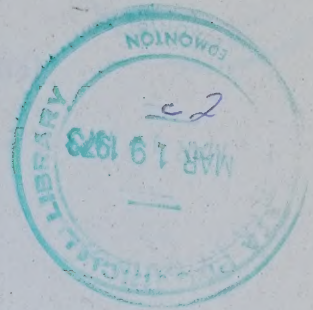
c.2





Digitized by the Internet Archive  
in 2024 with funding from  
Legislative Assembly of Alberta - Alberta Legislature Library





**OBSCENITY, PORNOGRAPHY, CENSORSHIP  
AND RELATED ISSUES**

**A Report**

**to**

**The Select Committee on Censorship**

**prepared by**

**L. W. Downey Research Associates Ltd.  
Suite 1001 Elmhurst Towers  
10040 - 116 Street  
Edmonton, Alberta**

**September 25, 1972**



OBSCENITY, PORNOGRAPHY, CENSORSHIP  
AND RELATED ISSUES

(A Report to the Select Committee on Censorship)

CONTENTS

Foreword	i.
Acknowledgements	iii.
Section I: Introduction: The Issues	1.
Section II: Existing Modes of Censorship: Alberta and Other Jurisdictions	3.
Section III: The Effects of Violent and Erotic Materials on Human Behavior -- The Research Evidence	13.
Section IV: Legal Problems in Censorship	19.
Section V: Conclusion: Summary and Strategies for Decision Making	25.
Appendices	31.
A. Some Notable Comments on Censorship and Obscenity	32.
B. Selected Statements from Censorship Boards across Canada	33.
C. (1) Summary of Research Evidence Re the Impacts of Erotica on Human Behavior	35.
(2) Summary of Research Evidence Re. the Impacts of Violent Materials on Human Behavior	43.
D. 1. Section 159-160. The Criminal Code of Canada	46.
2. Legislation: Film Censor Board of Canada	47.
3. Order-in-Council -- Committee on Objectionable Publications	49.
4. A Significant Ruling by an Alberta Judge	49.
E. (1) Summary of Briefs Presented to the Select Committee Re Film Censorship	50.
(2) Summary of Briefs Presented to the Select Committee Re Control of Publications	57.





1.

OBSCENITY, PORNOGRAPHY, CENSORSHIP  
AND RELATED ISSUES

(A Report to the Select Committee on Censorship)

FOREWORD

This report has been prepared at the request of the Alberta Legislature's Select Committee on Censorship.

Two important points about the nature and intent of the study should be noted at the outset:

- I. The object of the study was to codify, synthesize, and interpret available research evidence -- not to conduct original, empirical studies. Hence, although every reasonable effort has been made to evaluate available data and to reconcile differences among and between various sets of data, the authenticity of the conclusions drawn here depends, in a very real way, upon the authenticity of the studies which were used.
- II. The study has not been construed as a policy study, in the strict sense of the term. Hence, it does not conclude with recommendations, policy alternatives, or assessments of alternative courses of action which the Government might choose to follow.

Instead, the study has been viewed as a codification of background information -- the kinds of information that will be required for the Committee to move rationally from an assessment of what is to prescriptions of what should be.

The study has addressed three specific questions, suggested to us by the Select Committee on Censorship:

1. *What are the prevailing modes of censorship (legislative, regulative, and operative) in various jurisdictions elsewhere in Canada and throughout the Western world?*
2. *What does research say about the impacts of obscene and/or violent materials upon the behavior of individuals?*
3. *What legal and/or jurisdictional issues ought to be examined in connection with a review of censorship strategies in Alberta?*

The report is organized around these three questions.





Section I is a brief introduction in which we examine the issues and questions addressed in the study.

Section II provides a comparative analysis of censorship modes in other jurisdictions -- against a backdrop of the current scene in Alberta.

Section III examines the research evidence regarding the impacts of erotic and violent materials on human behavior.

Section IV delineates some of the important legal considerations in the area of censorship.

Section V, the conclusion, in keeping with our mandate, presents no specific recommendations, regarding the actions which should be taken by the Committee. Instead, it simply summarizes the findings and presents some cues as to how the Committee might confront the issues with which it must deal.





## ACKNOWLEDGEMENTS

Research and expert opinions which have been used in this report are cited and acknowledged in the appendices.

Of particular note, however, are the following materials from which we have drawn freely:

- I. Brian D. Rogers, "Pandora's Solution", an unpublished paper presented to the Faculty of Law, The University of Alberta, January, 1972.
- II. Report of the Commission on Obscenity and Pornography. (Washington: U.S. Printing Office) 1970.
- III. Mass Media and Violence, A Report to the National Commission on the Causes and Prevention of Violence. (Washington: U.S. Printing Office) 1969.

Information regarding the situation in Alberta and other Canadian provinces was generously provided by Mr. J. Nicholson, Chairman, Alberta Motion Picture Censor Board; Mr. J.F.C. Wright of the Committee on Objectionable Publications; and by members of Censor Boards across Canada.

Mrs. Elizabeth McBride assembled much of the comparative and opinion data and prepared first drafts of several sections of the report.

The contributions of these and other persons or agencies -- particularly reviewers and reactors who for various reasons have chosen to remain anonymous -- are gratefully acknowledged.

L. W. D.  
September, 1972.





OBSCENITY, PORNOGRAPHY, CENSORSHIP  
AND RELATED ISSUES

## I.

## INTRODUCTION: THE ISSUES

The general purpose of censorship laws is to prohibit and preclude from public scrutiny such materials as the state may, for one reason or another, deem unfit or inappropriate for public consumption.

State censorship takes a variety of forms and serves a corresponding variety of purposes:

In most authoritarian states, materials dealing with political ideologies, in opposition to the state's ideology, tend to get censored or banned -- on the grounds that such materials might tend to corrupt the political values of citizens. Similarly, materials which compare the quality of life in the particular state unfavorably with that in other states tend to get censored -- on the assumption that such materials might tend to breed discontent among citizens.

In democratic societies, such as Canada, censorship by the state is typically limited to erotic and violent materials which, it is assumed, might tend to corrupt morals, weaken ethical character, and foster criminality among citizens -- particularly the young.

Such forms of censorship are understandable -- for the opinion is rather widespread that all forms of media communication do influence, do educate, do effect the behavior of individuals.

But to attempt to legislate against this alleged danger is to open serious legal, sociological and psychological questions and, it seems





to place in jeopardy some of the basic freedoms which are an important part of life in a democratic society.

The matter of obscenity legislation is a particularly thorny one -- for "the obscene" is difficult to define and describe in any durable way. Hence, in obscenity cases, the courts are faced with the problem of enforcing laws which are, of necessity, ambiguous to the point where they call for subjective judgment rather than rules of evidence.

But the psychological and sociological questions are equally difficult. Do erotic and/or violent materials really influence attitudes and behavior? If so, how? What are the ultimate impacts of exposure to such materials?

The question of individual freedom is, among civil libertarians, the most important issue of all in connection with censorship. Along with Milton, they would hold that:

*"The state shall be my governors, but not my critic; they may be mistaken in the choice of a licenser, as easily as this licenser may be mistaken in an author."*

Some states, notably Denmark, have moved to abolish obscenity laws and censorship tribunals, on the grounds (1) that censorship, in any form, is an infringement on personal liberty, and (2) that so-called obscene materials do not lead to break-downs in moral fibre and increases in sex-oriented crime.

The evidence is by no means all in on any of these questions or exploratory solutions. But public opinion is mounting -- on, the one hand, against the "muddled laws" which govern obscenity in Canada and against the administrative tribunals which tend to encroach upon individual liberties; but on the other hand, against the flood of so-called hard core pornography and media violence to which youth are regularly subjected.

Policy-makers must soon deal with these issues. The question is: how?





OBSCENITY, PORNOGRAPHY, CENSORSHIP  
AND RELATED ISSUES

II.

EXISTING MODES OF CENSORSHIP: ALBERTA AND OTHER JURISDICTIONS

Most states have a long history of attempts to legislate morality and censor so-called obscene materials. In recent years, however, many states have conducted examinations of their obscenity laws and have found them either objectionable, in terms of individual freedoms, or unenforceable, in terms of legal entanglements -- or both.

As a consequence, a trend in the direction of the relaxation of obscenity laws has become apparent.

This section begins with a summary of the prevailing censorship mode in Alberta. Then, against this Alberta backdrop, proceeds to an analysis and comparison of censorship modes in other jurisdictions.

I. ALBERTA: THE CURRENT SCENE

A. Film Censorship

Censorship of films in Alberta is the responsibility of the Motion Picture Censor Board established under the Amusements Act (R.S.A. 1955). Subsequent Amendments and Regulations 72/57 further define and prescribe the functions of the Censor Board.

The Board must approve and classify every motion picture film before it is exhibited to the public in the Province, with the exception of non-fictional educational films owned or rented by schools, universities or departments of government.

The Board is composed of three persons, one of whom is Chairman. Positions on the Board are filled through open competition and/or subsequent



promotion within the Board through the Provincial Director of Personnel.

The Board also has the power to examine all advertising matter in connection with films and film displays and to approve or disapprove same.

If the Board rejects a film or requests that cuts be made prior to release, the owner may launch an appeal to a separate ad hoc Board appointed by the Minister. The decision of this Appeal Board is final and if the decisions of the Censor Board is upheld the case is not open to review for a period of two years.

Alberta regulations state only that the Board "*may eliminate any subtitles, words or scenes that it considers objectionable... .*" However, in a statement by Mr. J.W. Nicholson, Chairman of the Board, reference is made to guidelines provided to the Board by the Executive Council of the Government.

*"The guiding principle in the censorship of all films shall be whether it offends against the recognized moral code by glorifying, excusing or presenting as desirable, crime, violence, promiscuous sex relations and gross intemperance, or by holding up to ridicule recognized and religious ideals. No film shall be rejected on political grounds."*

Several amendments to the current regulations have been suggested by the Chairman of the Board, among them a reduction in age from 18 to 17 with respect to "Restricted Adult" films.

At present, films are classified by the Board as follows:

1. *Family*
2. *Adult* - Children under 16 must be accompanied by parent or guardian.
3. *Adult - Not suitable for children* - Same as above.
4. *Restricted Adult* - Persons under 18 not admitted.

The classification of all films must be made known to the public in all advertisements.

During 1971 the Censor Board reviewed 561 full length feature films of which 25 were rejected. Four appeals were made, two upheld by the Board,





one allowed subject to cuts, and the remaining one had not been heard at the time of reporting.

## B. Publications

The Alberta Advisory Board on Objectionable Publications was established in December 1954 by Order-in-Council 1801/54 passed pursuant to Section 3 of the Cultural Development Act of 1946. The Cultural Development Act provides under Section 3 as follows:

*"The Lieutenant Governor in Council, on the recommendation of the Minister may establish boards, each consisting of not more than seven members, whose functions shall be the encouragement, coordination, expansion and development of different aspects of the cultural life of the Province, and in particular, library facilities in both urban and rural districts, music, art, drama, handicrafts and physical education."*

The Order-in-Council establishing the Advisory Board on Objectionable Publications stated that -- *"Whereas it is deemed advisable and in the public interest to establish a Board to be known as the Advisory Board on Objectionable Publications to study and investigate the question of crime and other objectionable comics and salacious magazines and to recommend effective action to prevent their sale and distribution in the Province."*

The original Board consisted of seven members; the current Board has four, three from Edmonton and one from Red Deer. There were few changes in Board personnel until mid 1971. No criteria for selection of Board members are stated. Members of the Board receive no remuneration other than travelling expenses and per diem allowances for attendance at meetings.

A working arrangement has been in effect since 1954 whereby the wholesale distributors of magazines, comic books and tabloids have voluntarily refrained from distributing those titles which the Board has found to be objectionable. Some 175 publications have been found objectionable.





Both the Chairman of the Board and representatives of the Alberta Periodical and Paper Back Wholesales have suggested that changes need to be made in procedures and/or legislation in order to maintain the effective control of certain publications.

Briefly, the Chairman feels that controls are still needed, particularly to protect children from certain publications and that more effectual legislation is needed to control material which is distributed directly to the retailer rather than through recognized wholesale distributors who have been cooperating with the Board. Rather than attempt to prohibit the sale of all but publications passed by the Board, he proposes that a licensee be prohibited from selling any publication the Board has found to be objectionable. A system of fines and removal of retail and wholesale licenses are suggested penalties. The proposed legislation would provide for licensing of all wholesale and retail outlets and give the Board final authority over all publications.

The wholesalers, while supporting the aims of the Board, suggest that greater efficiency in the operation of the Board is needed to enable the distributors to function with a minimum of interference and delay. They suggest a program of public information on the function of the Board and cooperation by law enforcement agencies to expedite cases where conflicts occur. The use of "in rem" proceedings under Section 160 of the Criminal Code is suggested to gain the opinion of the Court prior to criminal proceedings.

Clearly, neither the Board nor the Wholesales Association find the present controls satisfactory although both favor a system of control.



## II. CENSORSHIP MODES IN NON-CANADIAN JURISDICTIONS

Tables I and II on the following pages offer a bird's-eye-view of censorship practices in other countries -- along with indications as to how these differ and why.

Table I summarizes the differences in legal restrictions and in the extent to which countries attempt to control the publication and distribution of certain materials. While the emphasis is on control of sexually oriented material, there is an evident attempt in certain countries to control material considered to be "brutalizing" or in a broader sense "injurious to morality." The range of terminology used to define such material is indicative of the difficulties in framing legislation in these areas.

Table II summarizes modes of film censorship and/or classification in several jurisdictions. It will be noted that in all countries some form of censorship mechanism exists; that in some countries the role of the Board is to classify rather than control; that in some countries no control is exercised over adults; but that in all countries some control is exercised over youth.

It will be noted that New Zealand is not included in either Table I or Table II -- because that country constitutes something of a special case and cannot be dealt with in the tabular form used in these presentations. New Zealand has established an Indecent Publications Tribunal whose function is to classify materials of all kind *"according to the persons, classes of persons, or age groups to whom the matter will likely be published ... exhibited."* The Tribunal is composed of: a barrister as Chairman, at least two members in literature or education, and two others, usually of some church orientation. Though this group is thought to be generally competent to read and rule upon contemporary "public taste," its rulings can be overturned by the Supreme Court.





TABLE I  
CENSORSHIP OF PUBLICATIONS

Country	Federal Controls	State or Local	Control Over Adult Consumption	Control Over Youth Consumption	Terminology of Legislation
U. S. A.	X	X	X	X	"Dominant theme must appeal to a prurient interest...affronts contemporary community standards and lack redeeming social value."
Argentina	X		X	X (16)	"Sole object of publication to arouse base sexual instincts."
Australia	X	X	X	X	No definitional criteria of obscenity.
Canada	X	X Alberta Advisory Board on Objectionable Publications	X	X	Obscenity-undue exploitation of sex or of sex and any of the following: crime, horror, cruelty and violence. Crime comics-real or fictional events connected with commission of crimes.
Denmark	Only to persons 16 and under	X		X (16)	Unsolicited mailings and offensive public displays. Minimal controls
France	X		X	X	"Outrageous to good morals."
West Germany	X		X	X (18)	"Lewd materials".Constitutional decision pending.
Hungary	X		X	X	"Seriously offends...orientation to the sexual"
Israel	X				"Roth" definition of obscenity-see U.S..Few criminal prosecutions.
Italy	X		X	X (18)	"Offensive to shame" - "Offend public decency...family morals...disturbing common moral sentiment."
Japan	X		X		"Injury to sense of shame or excites or stimulates sexual desires or contrary to proper sexual morality."
Mexico	X		X		"Contrary to sense of shame or modesty or of decorum"
Norway	X		X	X (16)	No clear definition of obscenity.
Switzerland	X	X	X	X	"Offensive to sexual decency causing disgust or distaste"
Soviet Union	X		X		"Indecent descriptions...stirring up of sexual passion"
Sweden	X		X	X	Prosecutions limited to works of a sadistic, perverse or brutalizing character." Trend toward less restrictive legislation.
U.K.	X		X	X	Obscene if tendency to deprave and corrupt. Current movement to modify law.
Yugoslavia	X		X	X	Prohibits dissemination or production of matter "seriously injurious to morality"





## FILM CENSORSHIP

Country	Federal Controls	State or Local Controls	Federal Censor Board	State or Local Censor Board	Federal Classification System	Classification System	Terminology of Legislation
Canada	X	X		X			"An Immoral, Indecent or obscene performance"
U.S.A.	X	X	Foreign Films Only		X	G-General GP-parental Guidance R-Under 17 accompanied by Parent X-Under 17 not admitted	Federal statutes consistent with 1st and 14th Amend. to the Constitution prohibiting "obscenity" further defined by court decisions.
Argentina	X		X				*
Australia	X	X					Blasphemous, indecent or obscene, injurious to morality, offensive to people of a friendly nation...any matter undesirable in the public interest."
Denmark	Only for 16 and under		X		X	Cuts or age limit of 12 or 16 may be imposed	*
France	X		X		X	Age limitations of 18 or 13 years	May be banned if "contrary to good morals"
West Germany	X		Self-regulation by film industry		X	Cuts or restrictions under 18 or 16 years. No admittance under 6 years.	*
Hungary	X					Information not available	*
Israel	X		X		X	Information not available	*
Italy	X		X		X	Ban or restrict to 18 or 14 years	*
Japan	X		Self-regulation by film industry				*
Mexico	X		X		X	(1) Permitted for all ages (2) Permitted for adolescents and adults (3) Adults only (4) Adults in "exhibitions specially authorized" May restrict to 18, 16 or 12 years	Films must not "attack morals" or "make apology for any vice". Banned if "contrary to law or decency" or have a "brutalizing or morally deteriorating effect".
Switzerland		X		X			*
Soviet Union	X					Information not available	*
Sweden	X		X		X	Restrictions to 15 or 11 yrs.	Banned if "brutalizing or harmfully exciting effect" or "entice crime".
U.K.	X	Licensing Authority	Quasi-Legal Bd. film industry			U-General A-Parental guidance AA-No admittance under 14 yrs. X-No admittance under 18.	Major concern with violence and horror
Yugoslavia	X	X	X	X			*

\*Legislation as quoted in Table I - Censorship of Publications



A trend in the direction of revising and relaxing obscenity laws, through government commissions, is clearly in evidence. Denmark has repealed adult obscenity legislation and similar repeals are expected in Sweden. Advisory commissions in Israel and the U.K. have recommended elimination of prohibitions upon distribution of sexual material to consenting adults. The constitutionality of adult legislation in West Germany has been challenged in view of free speech guarantees. In some Canadian provinces similar changes are under consideration.

A comparison of Table I and Table II indicates that in most countries the legislation and enforcement of film censorship is similar to that of printed material. In half of the countries included in this study the laws govern both media; in the remainder marked similarities in wording occur.

It is of interest to note that since 1968 the U.S. film industry has undertaken the classification of films in the categories described. Some difficulties have been encountered in local enforcement of age restrictions for admission.

The British Board of Film Censors Report states that the Board has no written rules, attempting only to reflect public attitudes and to maintain consistency with what is shown on T.V. The Board's president is appointed by the film industry in consultation with the Home Secretary.

Film censorship practices (as portrayed in the Table) range all the way from stringent regulations and enforcement procedures -- aimed at upholding societal morals -- to minimal legal controls -- with Censor Boards functioning primarily to reflect current public attitude and classify films for public information.





## III. CENSORSHIP MODES IN OTHER CANADIAN PROVINCES

All Canadian provinces have a Board of Censors or Classification Board with power to permit or prohibit exhibitions of films. The following Table provides comparison of classification systems employed and notes any classes of films specifically exempted from censorship or classification.

TABLE III  
MODES OF FILM CENSORSHIP IN CANADA

Province	Classification System	Exemptions
Alberta	<i>Family</i> - Suitable for all <i>Adult</i> - No admission under 16 unless accompanied by parent or guardian <i>Restricted Adult</i> - No admission under 18 <i>Adult-Not suitable for children</i> - Warning only.	Educational films owned or rented by schools, universities or dept's. of govt.
British Columbia	<i>General</i> - Suitable for all <i>Adult</i> - Warning to persons under 18 <i>Restricted</i> - Under 18 must be accompanied by an adult.	Public libraries, university and educational institutions Govt. of B.C. or Govt. of Canada or a film society.
Saskatchewan	<i>General</i> - Suitable for all <i>Adult</i> - Warning to juveniles <i>Restricted</i> - No admission under 18 unless accompanied by parent or guardian. <i>X</i> - No admission under 18.	Religious and educational films. Films sponsored by: Govt. of Canada or Sask., University, Society, or educational institution. Films for instructing in use of industrial products.
Manitoba	Classification system only. <i>General</i> - Suitable for all <i>Restricted Adult</i> - No admission under 18.	
Ontario	<i>General</i> - Suitable for all <i>Adult</i> - Warning to juveniles <i>Restricted</i> - No admission under 18.	
Quebec	<i>Adult</i> - No admission under 18 <i>Adult and Adolescent</i> - No admission under 14.	Special visas may be granted
New Brunswick	<i>General</i> - Suitable for all <i>Adult</i> - Warning to juveniles <i>Restricted</i> - Under 18 must be accompanied by parent or guardian.	
Nova Scotia	<i>General</i> - Suitable for all <i>Adult</i> - Warning to juveniles <i>Restricted</i> - No admittance under 18.	



By way of clarification of the above table, it should be noted that each province has developed its own censorship mode in keeping with a specific set of principles. Perhaps the most clearly articulated of these principles are those of the Province of Quebec -- which states that the Censorship tribunals should:

- (a) be an instrument of information about contents;
- (b) be an instrument of classification of spectators according to their normal maturity; and
- (c) be an instrument of warning of a material's pornographic nature.

Clearly, most provinces hold the view that materials should be analysed by some tribunal -- so that prospective spectators may at least be informed and warned. Most also hold the view that materials ought to be classified as suitable or unsuitable for various classes of prospective spectators.





OBSCENITY, PORNOGRAPHY, CENSORSHIP  
AND RELATED ISSUES

III.

THE EFFECTS OF VIOLENT AND EROTIC MATERIALS ON HUMAN BEHAVIOR

THE RESEARCH EVIDENCE

It has been alleged that exposure to sexually oriented materials (in both verbal and visual forms) produces sexual arousal -- which, in turn, under certain conditions, leads to deviants and/or criminal sex acts (such as rape, etc.).

It has similarly been alleged that exposure to violent materials (in films, T.V., etc.) produces aggressive tendencies -- which, in turn, under certain conditions, leads to criminal acts of violence (such as murder, assault, etc.).

These beliefs have been, and still are, widely held in many sectors of our society -- not the least important of which is the law enforcement fraternity. One of the world's most distinguished law enforcement officers expressed this conviction as follows:

The publication and distribution of salacious materials is a particularly vicious evil; the destruction of moral character caused by it among young people cannot be overestimated. The circulation of periodicals containing such materials plays an important part in the development of crime among youth of our country. (J. Edgar Hoover, Report to U.S. Congress, 1956).

The question to be addressed here is this: *are these points of view warrantable? Are they supported by the evidence? Or are they, as persons holding opposing views would claim, simply the pontifications of self-righteous individuals?*

(Note: The Research Evidence used in this summary of effects is presented in more detail in Appendix C).



Persons holding the opposing belief system have argued that erotic and violent materials are not only harmless but may, in fact, be positive factors in crime reduction -- inasmuch as they may serve as a substitute for the real thing, an opportunity for sexually or aggressively inclined individuals to work out their inclinations in the harmless world of pure fantasy.

## I. THE QUESTIONS:

The specific questions to which we seek answers are as follows:

- I. *Does exposure to erotic materials lead to sexual arousal?*
- II. *If so, does sexual arousal, induced by exposure to erotic materials, lead to anti-social behavior or criminal sex acts?*
- III. *Do erotic materials effect people differentially? (i.e., are their effects upon the young, the immature, the delinquent, etc., particularly noteworthy?)*
- IV. *Does exposure to violent materials influence individual norms and attitudes with respect to violent behavior?*
- V. *If so, do such changes in norms and attitudes, in turn lead to heightened aggressiveness and inclinations to act out aggressive behavior and engage in criminally violent acts?*
- VI. *Does exposure to violent materials have a particularly noteworthy effect upon specific groups of people -- the young, the delinquent, etc.?*

## II. SOME QUALIFIERS AND SOME CAUTIONS:

Before assembling the research evidence in response to these questions, it seems important to recognize some of the difficulties the behavioral scientist inevitably encounters as he tackles such issues and some of the precautions the policy-maker must observe in the interpretation of available research findings.

First, it should be noted, that research in this field is still in its infancy. The systematic research assault on the issues was launched less than a decade ago. Hence, the evidence is not all in. Scientists cannot, yet, answer the above questions precisely or unequivocally.

Second, it must be recognized, that these issues are so value-laden and subject to bias that it is difficult to separate fact from fantasy.





The claim of a social scientist that pornographic materials do not influence the behavior of a certain class of individuals may be countered with the indignant claim that the materials are, nevertheless, "a stench in the public nostril."

Finally, it should be pointed out that it is not possible to establish a direct cause-effect relationship between an individual's exposure to erotic or violent materials and his subsequent behavior. Behavior patterns are developed in a complex social system which provides all kinds of inputs and cues for the individual. Some of these come from the home environment; some from the school or work environment; some from peer relationships; and, perhaps, some from the media. What factor has the greatest impact upon what behavior is most difficult to determine.

These caveats notwithstanding, however, patterns of research evidence are now taking shape. Reasonable, though somewhat approximate and somewhat tentative, answers to our questions can be put together.

### III. THE ANSWERS, IN GENERAL SUMMARY FORM:

I.Q. *Does exposure to erotic materials lead to sexual arousal?*

I.A. Yes. Such exposure does tend to induce sexual arousal -- in males and females, young and old.

(The question which thus must be asked, of course, is: So what? Is the fact of arousal adequate grounds for an indictment of erotic materials? Or might another conclusion be drawn?)

II.Q. *Does sexual arousal, induced by exposure to erotic materials, lead to anti-social behavior or criminal sex acts?*

A. No. Sexual arousal, resulting from exposure to erotica, does not lead to anti-social behavior or criminality. On the contrary,



the evidence suggests that decreases rather than increases in sex crimes attend increases in exposure to erotic materials.

(This phenomenon has been explained on the basis of a theory of "substitution" -- the notion that exposure to erotic materials may serve as a substitute for otherwise uncontrollable drives.

The individual "lives out" his desires in fantasy).

III.Q. *Do erotic materials have particularly harmful effects upon certain classes of individuals -- the young, the delinquents, etc.?*

- A. No. The evidence suggests that factors such as home and community environment, sex education, peer associations and the like have far more to do with deviant sexual behavior than does exposure to erotica. There appears to be no relationship between exposure to erotica and juvenile delinquency, juvenile sex crimes, illegitimacy among youth, and so on. People do respond differentially to erotica; but such differences in response appear to be purely random.

(The evidence in this matter, as in Q.II. above, has been assembled in the U.S.A. and Denmark. Though the evidence does not establish a relationship between erotica and sex crimes, it does not disprove that such a relationship may exist).

IV.Q. *Does exposure to violent materials influence individual norms and attitudes with respect to violent behavior?*

- A. Yes. Unlike erotic materials, vicariously experienced violence is likely to have an eliciting rather than a cathartic effect on individuals. The evidence indicates that the use of violence by the "good guys" is particularly likely to provide a value system in which "the end justifies the means" and in which violence is the accepted way of resolving differences.





V.Q. *Do such changes in norms and attitudes, in turn, lead to heightened aggressiveness and inclinations to act out violent behavior or engage in criminally violent acts?*

A. Yes. The evidence suggests that vicariously experienced violence tends to serve as both an educating and a triggering mechanism for real violent behavior. It should be noted, too, that exposure to violent materials not only leads to impulsive violent acts but also has a cumulative or "sleeping effect" -- i.e., the effects may only show up after repeated exposure.

VI.Q. *Does exposure to violent materials have a particularly noteworthy effect upon particular groups?*

A. Yes. Vicariously experienced violence has a particularly significant impact upon: (1) the young and immature -- whose value systems are in the formative stages; (2) upon individuals with latent violent tendencies -- whose latent tendencies are activated by violent stimuli; and (3) upon sub-groups who have particular social causes or missions to accomplish -- among whose members the contagion of violence seems to spread easily and quickly. For individuals with latent violent tendencies, exposure to violent materials, through the media, tends to have both an "educating" and a "condoning" effect -- inasmuch as it tells them not only how to be violent but also that violence appears to be the in thing. An example of the closely-knit sub group in which a contagion of violence can be triggered by the media is the student sub-culture -- among which violence spread quickly throughout the world after the Berkeley student uprising.



At first glance, the foregoing answers to our questions, assembled from available research evidence, may appear somewhat anomalous.

Erotic materials, it has been found, do result in arousal and increased sexual activity -- but not in anti-social behavior or criminal sex acts.

Violent materials, however, not only do influence attitudes toward violence but also tend to incite people to engage in real acts of violence and lawlessness.

How can this apparent anomaly be explained?

First, it must be recognized that the media (movies, magazines, T.V., etc.) do educate. They do influence people's attitudes and behavior. When exposed to erotic materials, people tend to become sexually aroused and to engage in sexual activity. When exposed to violent materials, people tend to become aggressive and to engage in violent activity.

But sex, in and of itself, is neither anti-social nor criminal. Violence is always anti-social and frequently criminal.

This distinction must be borne in mind as the impacts of erotic and violent materials are assessed.

(See Appendix C(1) IV. for a detailed examination of the research in this field).



# OBSCENITY, PORNOGRAPHY, CENSORSHIP AND RELATED ISSUES

## IV.

### LEGAL PROBLEMS IN CENSORSHIP

In Canada, attempts to control or legislate against obscenity have taken two major forms:

- i. at the Federal level, the Criminal Law approach; and
- ii. at the Provincial level, the Censorship Board approach.

Our purpose here is to examine these two approaches both in the context of each other and in the context of other relevant legislation -- such as the Alberta Bill of Rights.

#### 1. FEDERAL PROCEDURES: LEGISLATING AGAINST OBSCENITY

Over the past few years, most legislation pertaining to morality has undergone a great deal of liberalization; the laws relating to obscenity and pornography, however, have remained totally unchanged.

Section 159 of the Criminal Code of Canada, under Offences Tending to Corrupt Morals, includes the following:

1. *Every person commits a crime who*
  - (a) *Makes, prints, publishes, distributes, circulates, or has in his possession for the purpose of publication, distribution or circulation any obscene written matter, picture, model, phonograph record or other thing whatsoever . . .*

Not surprisingly, the courts have encountered considerable difficulty with this section of the Code -- difficulties of definition and difficulties of intent.

Generally, however, it has been assumed that the object of the law is to protect youth against any materials which might corrupt their morals. Hence, for years, the criterion of obscenity became embodied in what was known as the Hicklin test: materials are obscene when they tend "to deprave and corrupt those whose minds are open to such immoral influences... ."





Eventually, an attempt was made to clarify the meaning of obscenity in Section 159(2) of the Code, in the following terms:

*(8) For the purpose of this Act, any publication a dominant characteristic of which is the undue exploitation of sex or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene.*

This attempt at clarification obviously provides little by way of improvement or guidance for the courts. The questions remain: What is "exploitation?" And how much exploitation is "undue" exploitation?

In short, the definition of obscenity, has been and no doubt will remain, a matter of subjective judgment. As a consequence, the courts, when they deal with obscenity cases, portray themselves as inconsistent and incompetent. For the adversary system -- resting as it does on the principles of rationality, the weight of evidence, and logic -- proves to be quite dysfunctional in dealing with questions of morals.

## II. PROVINCIAL PROCEDURES: THE ADMINISTRATIVE TRIBUNAL

All Provinces of Canada have established Censor Boards to preview, prohibit and/or classify films. In addition, some provinces, including Alberta, have established another tribunal "to advise" with respect to objectionable literature.

Typically, the former, the Film Censor Board, is empowered by legislation and regulation:

- i. to prohibit the showing of films which have not been reviewed by the Board;
- ii. to cut or ban completely any film which is found totally objectionable; and
- iii. to classify films and insist that the Board's classification be included in any advertisement of the film.



The latter, the Advisory Committee on Objectionable Literature is, as the name suggests, purely advisory -- at least, from a legal point of view.

In fact, however, the Committee (in Alberta, at least) does tend to exercise a subtle but very real kind of censorship -- inasmuch as it has developed a "working agreement" with magazine distributors, whereby materials objected to by the Committee are "voluntarily" withheld from the public.

This procedural arrangement is obviously a two-edged sword -- from the point of view both of the distributors and of the public.

From the distributors' point of view, the arrangement provides not only a de facto (and somewhat arbitrary and closed-door) censorship upon their merchandise -- but also, a kind of (though somewhat tenuous) "certificate of immunity" from prosecution under the Criminal Code.

From the public's point of view, the arrangement provides not only a protection for the young from materials which society might deem objectionable -- but also a complete denial of access, by any mature individual, to materials which he may wish, at least to be aware of, if not to read.

### III. FEDERAL AND PROVINCIAL PROVISIONS FOR HUMAN RIGHTS AND FREEDOMS

Alberta has recently moved, along with other Canadian provinces, to initiate legislation to supplement and complement the Canadian Bill of Rights in ensuring for individual citizens certain basic human rights and fundamental freedoms.

One particularly noteworthy aspect of the Bill of Rights introduced by the Alberta Government is that it is calculated to guarantee the individual's rights in his relationships not only with other individuals and society, at large -- but also, with the government itself. The Bill





states that the Bill of Rights shall take precedence over any other law of the Province -- "unless it is expressly declared by an Act of the Legislature that it operates notwithstanding."

The Bill states, in part:

1. *It is hereby recognized and declared that in Alberta there exist, without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely:*

- (a) *the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;*
- (b) *the right of the individual to equality before the law and the protection of the law;*
- (c) *freedom of religion;*
- (d) *freedom of speech;*
- (e) *freedom of assembly and association; and*
- (f) *freedom of the press.*

2. *Every law of Alberta shall, unless it is expressly declared by an Act of the Legislature that it operates notwithstanding The Alberta Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared.*

#### IV. COMMENT AND SOME QUESTIONS

Consideration of the above moves by Federal and Provincial Governments to control obscenity -- yet, at the same time guarantee personal rights and freedoms -- leads one to conclude as follows:

- i. Obscenity cannot be adequately dealt with by the courts --

for the pure and simple reason that obscenity cannot be legally defined. Indeed, attempts to deal with obscenity laws have tended, in no small measure, to demean the judiciary process and our institutions of justice.

- ii. When attempts are made to control obscenity by Administrative tribunal there is a clear danger that overly zealous "protectors of the public conscience" will use procedures which tend to deny



individuals certain basic rights and freedoms.

- iii. Though the jurisdictional lines between Federal and Provincial authorities appears to be perfectly clear, from a legal point of view (i.e. the Criminal Code of Canada is paramount) the two authorities do not appear to have achieved anything like complementarity in their actions. For example, magazine distributors would like to think that the actions of the committee on Objectionable Literature guarantee immunity against prosecution under the Criminal Code. But this does not appear to be the case. In fact, there appears to be a real potential for something akin to "double jeopardy."

So one might ask: What can be done to tidy-up this difficult legal situation?

It has been suggested that the Provinces ought to get out of the censorship business entirely and throw the whole business of obscenity into the lap of the Courts (as one Province has apparently decided to do) to be dealt with under the Criminal Code of Canada. But as indicated earlier, the Courts have found it impossible to deal effectively and consistently with the issue under the existing terms of the Code. As one analyst expressed the problem:

"The spectacle of a judge pouring over the picture of some nude, trying to ascertain the extent to which she arouses prurient interests, and then attempting to write an opinion which explains the difference between that nude and some other nude has elements of low comedy."  
(Thurman Arnold)

It has also been suggested that the Provinces propose that Section 159 of the Criminal Code be rescinded -- so that the control of obscenity might become purely a Provincial matter, presumably to be exercised by a tribunal of expert judges.



This proposal conjures up at least two difficulties:

(1) Variations in Provincial actions would inevitably result in regional differences in the definition of obscenity, with all their attendant problems of comparison and criticism by the public. (2) Overly zealous protectors of the public conscience might again, as they have in the past, act in disregard of basic personal freedoms.

Finally, it has been suggested that, just as "the state should stay out of the bedrooms of the nation," so too should it stay out of the question of morals. (i.e. the state, at all levels, should abandon the efforts to control obscenity and pornography).

Though this proposal has considerable appeal to civil libertarians (and, indeed, to people who have examined the evidence with respect to the impacts of erotica on human behavior), the fact remains that most members of society would be concerned if there were a free flow of erotic and violent materials among the young. The evidence does indicate that such materials do educate.

So the question remains: What is to be done? Clearly some new solution is indicated.





OBSCENITY, PORNOGRAPHY, CENSORSHIP  
AND RELATED ISSUES

V.

CONCLUSION: SUMMARY AND STRATEGIES FOR DECISION-MAKING

Proposals for change in censorship legislation or procedures invariably result in public outcries. When the proposals are for the relaxation of censorship, they offend religious and morality-conscious groups who are convinced that pornographic materials corrupt the morals of society; when they are for tighter censorship, they outrage civil libertarians who object to anyone other than themselves becoming the arbitrer of what they may or may not see or read.

Given this fact of divided public opinion, it is imperative that, when policy-makers deal with censorship, they do so in a planned and rational way -- so that their conclusions and recommendations may stand the test of public scrutiny and debate.

In this concluding section, we make no pretense of suggesting what Alberta's Select Committee on Censorship should recommend. Instead, we simply offer a few suggestions as to how that Committee might proceed to make recommendations -- by dealing systematically and sequentially with the issues and by bringing to each the best available evidence and public opinion.

We suggest that the process of arriving at recommendations, on this matter, should involve three specific steps:

Step I: *Ordering the Issues and Assembling the Evidence.*

Step II: *Making Basic Policy Decisions.*

Step III: *Establishing Strategies and Procedures for Implementation*



## STEP I: ORDERING THE ISSUES AND ASSEMBLING THE EVIDENCE

The issues could be stated in many ways. In their simplest form, it seems to us, they are as follows:

- i. *Whether or not obscene materials (erotic and violent) do affect human behavior in undesirable ways.*

(The evidence on this issue, presented in Section III and Appendix C.1. and 2. of this report, though not absolutely conclusive, is reasonably clear. Erotic materials do not induce anti-social behavior or sex criminality; violent materials, however, do induce aggressive and sometimes lawless behavior.)

- ii. *Whether or not censorship, as it has been practiced, has had the effect either of ridding society of obscenity or of reducing anti-social behavior, sex crimes, or violence.*

(Again though the evidence is somewhat inconclusive, trends are clearly in evidence. Relaxation of censorship laws appears to be attended by reductions, not increases, in sales of pornographic materials, in sex offences and in anti-social behavior. There is no evidence to suggest, however, that the same is true in the case of violent materials.)

- iii. *Whether or not society is ready and willing to accept changes in censorship laws and procedures.*

(Appendix E. of this report contains a summary of 66 briefs prepared by interested groups and individuals in Alberta. 37 of these recommend abolition or relaxation in film censorship; 29 suggest a continuation of control. With respect to published materials, 13 advocated abolition of control; 11 argued for continuation. Careful examination of these briefs will reveal that the numbers of persons who subscribe to the abolition of controls is considerably greater than a mere counting of briefs would suggest and also that some of those who favor control do so because they wish to





protect publishers from the criminal code -- not because they wish to protect individuals from pornography. So it may be concluded that, though the balance is a delicate one, public opinion seems to be in favor of the relaxation of censorship).

*iv. Whether and how the competing claims for personal freedom and the protection of the minds of youth can be reconciled in any mode of censorship.*

(Many of the briefs, summarized in Appendix E., offer the right of the individual to be his own censor as good and sufficient reason for the abolition of censorship tribunals. Their arguments are compelling. Many others, however, point to the need to protect youth from "unfit materials" as good and sufficient reason for the retention of censorship. Their arguments are also impressive. How can both positions be accommodated?)

*v. Whether and how provincial laws and tribunals can be made complementary to federal laws.*

X (Most publishers and film-makers want censor boards -- for the simple reason that they see these as protections against prosecution under the criminal code. But legally, they are not. In a recent ruling by Judge Lucien Maynard, in Edmonton, a charge laid under the criminal code was dismissed because the film in question had previously been passed by the Censor Board. See Appendix D.4. This may suggest that, de facto, the courts are prepared to accept the decisions of Censor Boards as to what is obscene and what is not. But not necessarily so.)

## STEP II: MAKING BASIC POLICY DECISIONS

In light of one's contemplations regarding the above issues, one should be able to proceed logically, though perhaps painfully, to arrive at conclusions with regard to the basic questions:



i. *to censor or not to censor?*

(It could be that the evidence is such as to suggest that the province might well get out of the censorship business and leave the courts to deal with obscenity under the Criminal Code of Canada.)

If the decision is to censor, then the next question is:

ii. *to censor only erotic materials, only violent materials, or both?*

(The evidence suggests that violent materials may be more critical than erotic.)

Also, if the decision is to censor, a further question is:

iii. *to censor materials for youth only or for both youth and adults?*

(To censor adult materials is, in the opinion of many, an encroachment upon personal liberty -- and may, in fact, be in contravention of the Alberta Bill of Rights.)

But no matter what the decision with respect to censorship, one must ask:

iv. *to classify or not to classify and for what purpose?*

(Should classification be for the purpose of censorship, or merely to inform and warn consumers and/or parents of consumers.)

Once these basic questions have been answered, it is possible to proceed to the question of strategies and procedures for implementation.

### STEP III: ESTABLISHING STRATEGIES AND PROCEDURES FOR IMPLEMENTATION

Once the issues have been placed in perspective, as suggested under Step I, and once certain policy decisions have been established, as suggested under Step II, the critical question becomes: What instruments must be created and what procedures must be established for the proper implementation of the policies adopted?



Several hypothetical alternatives come to mind:

1. If the policy decision were "to get out of the censorship business and leave the matter to the courts" -- then the Film Censor Board and the Advisory Committee on Objectionable Literature would immediately become obsolete.

2. If the policy decision were to "classify" materials and prohibit the sale or display of these to the young, then:

- i. the two bodies named above might be united and reconstituted to be more truly "representative" of society; and
- ii. theatres and distributors might be instructed to "tool up" to deal with two major groups of clients; (i.e., as theatres now do and as booksellers might do by dividing their shops into adult and non-adult sections.)

3. If the policy decision were to categorize materials simply as an informing and warning service to viewers and/or their parents, then:

- i. the classification system might be reviewed and changed or reaffirmed; and
- ii. regulations for the display and advertisement of the classification might be reviewed and tightened.

These hypothetical cases do not begin to cover all the possibilities. They are merely illustrative of the ways in which general policy decisions might (indeed, must) be spelled out in operational and regulatory terms.

It is hoped that the materials contained in this report may be helpful to the Committee as it faces this task.





## A CONCLUDING COMMENT

Throughout this report, we have noted with some dismay that:

- i. very little research has been done in Canada on the legal aspects of censorship or the socio-psychological effects of erotic and violent materials on the behavior of individuals; and that
- ii. though the research available from other countries on the impacts of erotica is reasonably comprehensive and conclusive, the research on the effects of violence is very, very sketchy -- and, hence, somewhat open to skepticism.

Accordingly, we would conclude with the recommendation that the Government of Alberta sponsor a program of research (albeit a modest one) calculated to shed more light on the issues which we have addressed here -- particularly: (1) the impacts of media portrayals of violence upon human behavior; and (2) the legal-jurisdictional issues involved in censorship.



## APPENDICES





## APPENDIX A

## SOME NOTABLE COMMENTS ON CENSORSHIP AND OBSCENITY

1. From the Wolfenden Report by The Committee on Homosexual Offences and Prostitutes (U.K. 1957) (New York: Stein, 1963) p. 48.

*Unless a deliberate attempt is made by society, acting through the agency of the law, to equate the sphere of crime with that of sin, there must remain a realm of private morality and immorality which is in brief and crude terms not the law's business.*

2. From J. Hofsess, "The Witchcraft of Obscenity," Saturday Night, August, 1970.

*The obscene is the domain of the unspeakable, of demons and irrational fears, of dark, occult secrets and sexual paranoia; no one asks that it make any legal, moral, or intellectual sense. The witchcraft of obscenity doesn't admit the use of reason, for reason would dissipate its black magic.*

3. Andrew Snaddon in The Edmonton Journal, September 9, 1972.

*There it was, Saturday night in my very own living room, "Tom Jones" CBC late night movie in all its glorious technicolor . . .*

*For those of you with even short memories it may be recalled that in 1964, a mere eight years ago, when Alberta was a land of stern moral standards "Tom Jones" was banned. Not only for children's eyes, for growing boys and girls, it was banned for all because the Alberta censor knew it would ruin us.*



## APPENDIX B

## SELECTED STATEMENTS FROM CENSOR BOARDS ACROSS CANADA

## 1. From Saskatchewan

*During 1971, the Board screened 308 films. These were classified as follows: GENERAL - 53, ADULT - 62, ADULT NOT SUITABLE FOR CHILDREN - 63, RESTRICTED ADULT - 83, SPECIAL X - 41, NOT APPROVED - 7.*

*In addition to Film Classification, the board is charged with control of all theatre advertising, from approval at the Exchange level to checking local newspaper or calendar advertising.*

*Finally, there is the public relations aspect, where the occasional talk to Clubs, on radio or T.V., correspondence to explain our classification system to the public.*

## 2. From Ontario

*1) The Board is composed of the Chairman, Vice-Chairman and five members. (Two of the members are women).*

*2) We do not have figures available for the calendar year 1971, but for the fiscal year ending March 31, 1971, 728 first copy feature films were examined by the Board.*

*3) We are responsible for administering the Theatre Act. As well as censorship of films and advertising, we license theatres, including drive-ins, film exchanges, projectionists and 16MM projectors. We have a total staff of 20 people, which includes the Board, Inspectors of theatres and clerical employees.*

## 3. From Nova Scotia

*1) The Board is made up of three members, two men and one women.*

*2) The number of feature films screened during the calendar year 1971 were 340.*

*3) Additional duties of the Board apart from the censorship of films are -- the complete administration of The Theatres and Amusements Act such as: the licensing of all types of amusements and premises, etc., the collection of all amusement taxes including Pari-Mutual Betting, and the Government has recently passed a Lottery Act for control of bingos and lotteries, etc., which this Board was ordered to administer the Regulations for.*

## 4. From New Brunswick

*Our Board is composed of six members and the Chairman. This has just been increased in the last year. We originally had 3 members. 2 ladies and 1 man view a.m. pictures, and 2 ladies and 1 man for the p.m. sittings, and on an appeal to the full Board, the six members and the Chairman view these appeals.*

*During the year ending March 31, 1972, our Board viewed 314 original prints. Of these 314 pictures, 62 were General, 108 were*



*Adult, and 140 were Restricted.*

5. From Manitoba

1. *Our board consists of 7 members, plus the Chairman, and represents a cross-section of the community.*
2. *In 1971 the Board viewed 354 first-print films.*
3. *Board members, on occasion, speak at public meetings and at schools on the subject of censorship as it relates to prevailing philosophical and ethical trends in our society; moreover, each member makes a brief written report on the content of the films he or she views, for the information and reference of other members.*





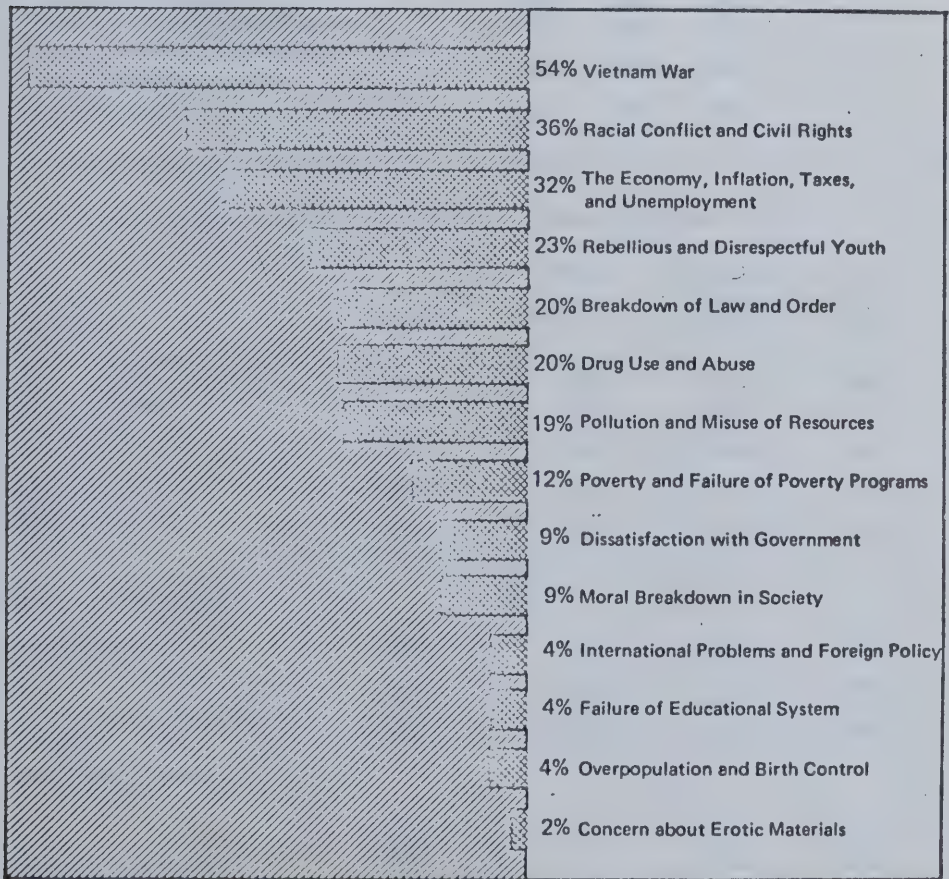
## APPENDIX C (1)

## SUMMARY OF RESEARCH EVIDENCE

## RE: THE IMPACT OF EROTICA ON HUMAN BEHAVIOR

## 1. Public Opinion Re. the Relative Importance of Erotica as a Social Issue

When asked to identify the most serious problems facing society (American) today, respondents (2486 adults and 769 young people) responded as follows:



Note — Adapted from Abelson, H., Cohen, R., Heaton, E., & Suder, C. Public attitudes toward and experience with erotic materials. *Technical reports of the Commission on Obscenity and Pornography*. Vol. 6.



## II. Public Opinion Re. the Effects of Erotica on Behavior

1. When asked to indicate their beliefs re. the effects of erotic materials on individuals, 2486 respondents answered as follows:

Presumed Effects	Has that effect: (N = 2486)		
	Yes	No	Not Sure, No answer
Sexual materials excite people sexually	67%	17%	16%
Sexual materials provide information about sex	61%	27%	12%
Sexual materials lead to a breakdown of morals	56%	30%	14%
Sexual materials lead people to commit rape	49%	29%	22%
Sexual materials provide entertainment	48%	46%	6%
Sexual materials improve sex relations of some married couples	47%	32%	22%
Sexual materials make people bored with sexual materials	44%	35%	21%
Sexual materials lead people to lose respect for women	43%	41%	16%
Sexual materials make men want to do new things with their wives	41%	28%	32%
Sexual materials make people sex crazy	37%	45%	18%
Sexual materials provide an outlet for bottled up impulses	34%	46%	20%
Sexual materials give relief to people who have sex problems	27%	46%	26%

2. When asked to elaborate and categorize effects (in terms of themselves or known others) the same subjects responded as follows:

Presumed socially desirable effects:	% who say "yes, has effect"	Effect on respondent	On someone known personally	On no one known
Provide information about sex	61%	24%	15%	22%
Provide entertainment	48%	18%	16%	17%
Improve sex relations of some married couples	47%	10%	14%	23%
Provide an outlet for bottled up impulses	34%	3%	5%	21%
Give relief to people who have sex problems	27%	2%	7%	17%
Presumed effects not clearly socially approved nor disapproved:				
Excite people sexually	67%	15%	22%	32%
Make people bored with sexual materials	44%	20%	7%	18%
Make men want to do new things with their wives	41%	7%	13%	20%
Presumed socially undesirable effects:				
Lead to a breakdown of morals	56%	1%	13%	38%
Lead people to commit rape	49%	*	9%	37%
Lead people to loose respect for women	43%	5%	11%	26%
Make people sex crazy	37%	*	9%	27%

(Partial Table)

\* Less than .5%

Note - Adapted from Abelson, H., Cohen, R., Heaton, E., & Slider, C. Public attitudes toward and experience with erotic materials. *Technical reports of the Commission on Obscenity and Pornography*. Vol. 6.



### III. "Expert" Opinion Re. the Effects of Erotica

#### 1. Juvenile Workers' Opinions About Erotic Works

[Question: "Do you think that reading obscene books plays a significant role in causing juvenile delinquency? "]

Respondents	N=1,188	% Yes	% No	Don't know; no response
Police Chiefs	389	57.6	31.4	11.0
Professionals <sup>1</sup>	799	12.4	77.1	10.5

<sup>1</sup>This group consisted of professional workers in child guidance, psychiatry, psychology, sociology, and social work.

Note — Adapted from Berninghausen, D. K., & Faunce, R. W. Some opinions on the relationship between obscene books and juvenile delinquency. 1965, unpublished.

#### 2. Psychologists' and Psychiatrists' Opinions

[Question: "In your professional experience have you encountered any cases where it appeared that pornography was a causal factor in other antisocial behavior as defined above? " ]

N = 3,423

Yes, convinced:	7.4%
Yes, suspected:	9.4%
No such cases:	80.0%
Not ascertained:	3.2%

[Question: "Persons exposed to pornography are more likely to engage in antisocial sexual acts than persons not exposed? " ]

Strongly agree:	1.1%
Agree:	12.9%
Disagree:	56.4%
Strongly disagree:	27.3%

Note — Adapted from Lipkin, M., & Carns, D. E. Poll of mental health professions. Cited in the University of Chicago Division of the Biological Sciences and the Pritzker School of Medicine Reports, Winter 1970, 20, (1).

#### 3. Sex Educators' Opinions

[Question: "What, in your experience, are the likely consequences of adolescents' exposure to explicit sexual material? " (multiple response)]

Possible Effects	% "	N
Sexual excitement	62	208
Provides status	53	176
Harmless outlet	42	140
Provides information	39	130
Little influence	21	69
Preoccupation	19	63
Undesirable sexual behavior	10	33
Loss respect for women	5	18
Moral breakdown	5	16
Boredom	4	13
Other		20

Note — Adapted from Wilson, W. C., & Jacobs, S. Survey of sex educators and counselors. Technical Reports of the Commission on Obscenity and Pornography. Vol. 10.





## IV. Research Findings Re. the Actual Arousal Effects of Erotica

## 1.

## Summary of Kinsey's Findings on Arousal to Sex Stimuli

Erotic Material	"Definite," "frequent," and "some" response	Never aroused	N
Visual depictions (photographs, drawings, film) of sexual action			
Male	77	23	3,868
Female	32	68	2,242
General literature			
Male	59%	41%	3,952
Female	60%	40%	5,699
Erotic stories (heard or read)			
Male	47	53	4,202
Female	14	86	5,523
Commercial film			
Male	36	64	3,231
Female	48	52	5,411
Portrayals (photographs, drawings, paintings) of nude figures			
Male	54	46	4,191
Female	12	88	5,698

Note — Adapted from Kinsey, A. C., Pomeroy, W. B., Martin, C. E., & Gebhard, P. H. *Sexual Behavior in the Human Female*. Philadelphia: W. B. Saunders, 1953.

## 2.

## Coital Frequency 24 Hours Before and After Exposure to Sex Stimuli

Population	N	No change	Decreased	Increased	
Married Danish males, 22-34 <sup>1</sup> (Kutschinsky, 1970a)	42	71%	2%	26%	No
Married Danish females, 22-34 <sup>1</sup> (Kutschinsky, 1970a)	28	68%	0	32%	test
Single German males, 19-27 <sup>2</sup> (Sigusch, et al., 1970)	50	80%	4%	16%	(NS)
Single German females, 19-27 <sup>2</sup> (Sigusch, et al., 1970)	50	82%	6%	12%	(NS)
Single German males, 19-27 <sup>2</sup> (Schmidt and Sigusch, in press)	128	76%	9%	15%	(NS)
Single German females, 19-27 <sup>2</sup> (Schmidt and Sigusch, in press)	128	81%	5%	14%	(.001)
Single German Males, 19-29 <sup>2</sup> (Schmidt, et al., 1969)	99	71%	11%	17%	(NS)
Single Canadian males, 18-25 <sup>2</sup> (Amoroso, et al., 1970)	60	77.6%	10.3%	12.1%	(NS)
Single American males, 18-20 <sup>2</sup> (Mosher, 1970a)	194	91%	4%	2%	(NS)
Single American females, 18-20 <sup>2</sup> (Mosher, 1970a)	183	95%	2%	3%	(NS)
Single American males, 18-30 <sup>2</sup> (Davis and Braucht, 1970a)	121	82%	11%	7%	(NS)
Married American males, 30-59 (Mann, et al., 1970)	48	—	—	36%	(.01)
Married American females, 30-64 (Mann, et al., 1970)	32	—	—	28%	(.01)



## V. Research Findings Re: Exposure to Erotica and Delinquency or Crime

### 1. Extent of Exposure -- Delinquent and Non-delinquent Youth

Population	Erotic <sup>2</sup> Books	Erotic <sup>2</sup> Pictures
Incarcerated delinquents, 17-20 years (Propper, 1970)	77%	84%
National sample males, 18-20 years, living in parents' home (Abelson, et al., 1970)	68%	63%
National sample males, 21-29 years (Abelson, et al., 1970)	82%	81%
National sample college students 17-24 years (Berger, Simon & Gagnon, 1970a)	88%	95%
Urban working class high school students (juniors and seniors) (Elias, 1970)	95%	81%
Urban working class adolescents, 13-18 years (Berger, Simon & Gagnon, 1970b)	79%	77%
Los Angeles working class white males reporting on their adolescent experience (Goldstein, et al., 1970)	80%	85%
Los Angeles Black "Ghetto" males reporting on their adolescent experience (Goldstein, et al., 1970)	81%	78%

<sup>1</sup>"Extent" refers to the proportion of a given population reporting any experience with erotic material.

<sup>2</sup>Refers to depictions of heterosexual intercourse.

### 2. Percentage of Delinquent and Non-delinquent Males Exposed to Erotica Prior to Age Fifteen.

	Visual	Textual
Nondelinquents <sup>1</sup>		
All depictions	63%	53%
Delinquents <sup>2</sup>		
Sex organs	62	26
Oral-genital contact	51	26
Intercourse	52	27
Homosexuality	30	16
Sado-masochism	18	12

<sup>1</sup>15-17 year old males (Abelson, et al., 1970) Question asked of approximately half of young male sample

<sup>2</sup>17-20 year old incarcerated delinquent males (Propper, 1970)

### 3. Summary: Erotica and Delinquency

Two important findings emerge from the studies reviewed: (a) experience with erotic materials is widespread among American youth; and (b) the experiences of delinquent and non-delinquent youth, though not identical, are generally similar. The small differences which appear to be in the amount of exposure and the reactions to it, seem to be attributable to age and subcultural variables. Taken together, these data provide no particular support for the thesis that experience with sexual materials is a significant factor in the causation of juvenile delinquency.



# VI. Research Findings from Denmark's Experiment in the Removal of Control on Pornographic Materials.

## 1. Reported Sex Crimes 1958-69.

Year	Total Crimes <sup>1</sup>	Percent increase or decrease over previous year
1958	982	-0-
1959	1,018	+3.66
1960	899	-11.69
1961	1,000	+11.23
1962	749	-25.10
1963	895	-19.49
1964	732	-18.21
1965	762	-4.10
1966	783	-2.75
1967	691	-24.52
1968	515	-12.86
1969	358	-30.48

## 2. Type, Numbers and Percent change in Sex Crimes Reported, 1958-69.

Offense Category	1958	1969	Percent Change
Heterosexual offenses	846	330	-61.0
Rape (including attempts)	52	27	-48.1
Intercourse on threat of violence or by fraud, etc.	11	8	-37.5
Unlawful interference short of rape with adult women	100	52	-48.0
Unlawful interference short of rape with minor girls	249	87	-65.1
Coitus with minors	30	19	-57.9
Exhibitionism	264	104	-60.6
Peeping	87	20	-77.0
Verbal indecency	53	13	-32.5
Homosexual offenses	128	28	-78.1

Note - Adapted from Ben-Veniste, R. Pornography and sex crime - the Danish experience. *Technical reports of the Commission on Obscenity and Pornography*, Vol. 7.





## VII. Summary of Research Findings: Erotica and Behavior

Analyses of crime rates do not support the thesis of a causal connection between the availability of erotica and sex crimes among either juveniles or adults. Because of limitations in both the data and inferences which can validly be drawn from them, the data cannot, however, be said absolutely to disprove such a connection. Similar analyses for Denmark show that in that country the increased availability of erotica has been accompanied by a decrease in sex crimes.

Studies of juvenile delinquents indicate that their experience with erotica is generally similar to that of non-delinquents in reference to extent and amount of experience, age of first exposure, and arousal. Such small differences as exist appear to be products of age and subculture variables. Research does suggest that exposure to erotic materials may sometimes be part of a deviant life style and may reflect, rather than affect, the character, attitudes, and conduct of delinquent youth. There is no basis in the available data, however, for supposing that there is any independent relationship between exposure to erotica and delinquency.

Studies show that in comparison with other adults, sex offenders and sexual deviants are significantly less experienced with erotica during adolescence. As adults, sex offenders are not significantly different from other adults in exposure or in reported arousal or reported likelihood of engaging in sociosexual behavior following exposure to erotica.

Various studies revealed no significant differences between sex offenders and other groups in reference to whether erotica had affected their morals or produced preoccupation with sexual materials. When explicitly given the opportunity to do so, a small minority of sex offenders say that erotica or pornography had some relationship to their committing sex crimes, but for reasons detailed above, these data cannot be regarded as reliable evidence of such a relationship.



Sex offenders generally report sexually repressive family backgrounds, immature and inadequate sexual histories and rigid and conservative attitudes concerning sexuality. Research suggests that childhood experiences which encourage sexual repression and inhibition of sexual curiosity are associated with psychosexual maladjustment and antisocial sexual behavior.

Research to date thus provides no substantial basis for the belief that erotic materials constitute a primary or significant cause of the development of character deficits or that they operate as a significant determinative factor in causing crime and delinquency.

This conclusion is stated with due and perhaps excessive caution, since it is obviously not possible, and never would be possible, to state that never on any occasion, under any conditions, did any erotic material ever contribute in any way to the likelihood of any individual committing a sex crime. Indeed, no such statement could be made about any kind of nonerotic material. On the basis of the available data, however, it is not possible to conclude that erotic material is a significant cause of sex crime.



## APPENDIX C (2)

## SUMMARY OF RESEARCH EVIDENCE

## RE: THE IMPACT OF VIOLENT MATERIALS ON HUMAN BEHAVIOR

## 1. The Effects of Media Violence on Social Learning

*I. In a signal though not necessarily generalizable study, Siegal demonstrated that young children exposed to portrayals of a violent alter-group (taxi drivers) tended to ascribe to that alter-group violent tendencies.*

Albert A. Siegal, "The Influence of Violence in the Mass Media Upon Children's Role Expectations," Child Development, 1958 Vol. 29, pp. 25-36.

*II. Bandura and colleagues demonstrated in a laboratory experiment with 96 nursery school children that in induced states of frustration children tend (1) to imitate adult aggressive behavior; and (2) to be more affected by media portrayals of aggressiveness than by real-life portrayals.*

A. Bandura, Dorothy Ross, and Sheila A. Ross, "Imitation of Film-Mediated Aggressive Models," Journal of Abnormal and Social Psychology, 1963, Vol. 66, pp. 601-607.

*III. In another telling experiment Bandura and Colleagues demonstrated that "rewarded aggressive behavior" resulted in significantly greater tendencies toward violence than did "non-rewarded aggressive behavior." Hence it would appear that rewarded, "good guy" aggressive models have a greater impact than punished "bad guy" aggressive models.*

A. Bandura et al, "Vicarious Reinforcement and Imitative Learning," Journal of Abnormal and Social Psychology, 1963, Vol. 67, pp. 601-607.





## II. The Effects of the Media on Values and Attitudes

I. In a simple experiment with young children, Bandura demonstrated that exposure to media portrayals of children approaching and "coping with" dogs of various sizes and stripes induced positive changes in attitudes of children who had previously demonstrated fear and avoidance of dogs.

A. Bandura and F. Menlove, "Factors Determining Vicarious Extinction of Avoidance Behavior through Symbolic Modeling," Journal of Personality and Social Psychology, 8 (1968) pp. 99-108.

II. In a study in Britain, Himmelweit demonstrated that notwithstanding other modes of value indoctrination (lecturing, etc.) T.V. has a profound influence upon value acquisition and change.

Hilda T. Himmelweit et al, Television and the Child (London: Oxford U. Press, 1958), pp. 260-261.

III. Lovibond, before the age of T.V., in an experiment with Australian children found that exposure to comic books and films correlated positively with acceptance of a fascist-like admiration for the use of force and the suppression of the weak. Later, when T.V. became available, correlations with T.V. viewing were shown to be similar.

S.H. Lovibond, "The Effects of Media Stressing Crime and Violence upon Children's Attitudes" Social Problems, 15 (1967) pp. 91-100.

## III. The Effects of Media Violence Upon Behavior

I. In a simple experiment with young children, Lovass demonstrated that exposure to movies depicting aggression resulted in children engaging in the identical kind of aggression.

O. Ivor Lovass, "Effects of Exposure to Symbolic Aggression on Aggressive Behavior," Child Development, 32 (1961) pp. 37-44.

II. In a similar study, Mussen demonstrated that viewing aggressive cartoons resulted in heightened aggressive behavior.

P. Mussen and E. Rutherford, "Effects of Aggressive Cartoons on Children's Aggressive Play," Journal of Abnormal and Social Psychology, 62(1961) pp. 461-4.



#### IV. Evidence Against the Cathartic Effect

*It has been claimed that the mass media can and do provide viewers with vicarious experiences which serve as "substitutes for the real thing" and prevent overt violent acts.*

*In a series of experiments, Berkowitz demonstrated that the reverse is true -- that arousal to violence is more likely than catharsis as a result of exposure to media violence. In particular, watching "justified" media violence in no way reduces the aggressive tendencies of viewers; on the contrary, it activates it.*

Leonard Berkowitz, "The Effects of Observing Violence," Scientific American, 210 (February, 1964) pp. 1-8.

#### V. Summary of Research Evidence: Violent Materials and Behavior

The evidence though not nearly as extensive and conclusive as one might wish, nevertheless suggests that:

1. Violent materials do induce aggressive tendencies and values.
2. Violent materials do teach individuals how to be aggressive.
3. Violent materials do activate latent violent tendencies.
4. Unlike erotic materials, violent materials do not serve as substitutes for the real thing; on the contrary they stimulate and activate violent behavior.

Impressive though these findings may seem to be, it must be stressed that they are based upon very fragmentary studies. Indeed, the one conclusion that one should draw from this review of research is that the evidence is very tenuous and ought to be clarified and substantiated through further research of a more rigorous and programmatic type.



## APPENDIX D

## 1. SECTION 159-160 -- THE CRIMINAL CODE OF CANADA.

Offences Tending to Corrupt Morals

159. (1) Every one commits an offence who
- (a) makes, prints, publishes, distributes, circulates or has in his possession for the purpose of publication, distribution or circulation any obscene written matter, picture, model, phonograph record or other thing whatsoever, or
  - (b) makes, prints, publishes, distributes, sells or has in his possession for the purpose of publication, distribution or circulation, a crime comic.
- (2) Every one commits an offence who knowingly, without lawful justification or excuse,
- (a) sells, exposes to public view or has in his possession for such a purpose any obscene written matter, picture, model, phonograph record or other thing whatsoever,
  - (b) publicly exhibits a disgusting object or an indecent show,
  - (c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of causing abortion or miscarriage, or
  - (d) advertises or publishes an advertisement of any means, instructions, medicine, drug or article intended or represented as a method for restoring sexual virility or curing venereal diseases or diseases of the generative organs.
- (3) No person shall be convicted of an offence under this section if he establishes that the public good was served by the acts that are alleged to constitute the offence and that the acts alleged did not extend beyond what served the public good.
- (4) For the purposes of this section it is a question of law whether an act served the public good and whether there is evidence that the act alleged went beyond what served the public good, but it is a question of fact whether the acts did or did not extend beyond what served the public good.
- (5) For the purposes of this section the motives of an accused are relevant.
- (6) Where an accused is charged with an offence under subsection (1) the fact that the accused was ignorant of the nature or presence of the matter, picture, model, phonograph record, crime comic or other thing by means of or in relation to which the offence was committed is not a defence to the charge.
- (7) In this section, "crime comic" means a magazine, periodical or book that exclusively or substantially comprises matter depicting pictorially
- (a) the commission of crimes, real or fictitious, or
  - (b) events connected with the commission of crimes, real or fictitious, whether occurring before or after the commission of the crime.





cene" (8) For the purposes of this Act, any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene. 1953-54, c. 51, s. 150; 1959, c. 41, s. 11.

ant of  
ure 160. (1) A judge who is satisfied by information upon oath that there are reasonable grounds for believing that any publication, copies of which are kept for sale or distribution in premises within the jurisdiction of the court, is obscene or a crime comic, shall issue a warrant under his hand authorizing seizure of the copies.

ons to  
pier (2) Within seven days of the issue of the warrant, the judge shall issue a summons to the occupier of the premises requiring him to appear before the court and show cause why the matter seized should not be forfeited to Her Majesty.

r and  
or may  
ar (3) The owner and the author of the matter seized and alleged to be obscene or a crime comic may appear and be represented in the proceedings in order to oppose the making of an order for the forfeiture of the said matter.

r of  
eiture (4) If the court is satisfied that the publication is obscene or a crime comic, it shall make an order declaring the matter forfeited to Her Majesty in right of the province in which the proceedings take place for disposal as the Attorney General may direct.

## 2. LEGISLATION -- FILM CENSOR BOARD OF ALBERTA

Excerpts from the Amusement Act, Chapter 18

### PART 3

#### CENSORSHIP OF MOVING PICTURES

Censors

15. (1) The Lieutenant Governor in Council may appoint a censor or board of censors of not more than three persons and may fix his or their remuneration, and such censor or board of censors may permit or prohibit the exhibition of any film in Alberta.

(2) There shall be an appeal from the censor or board of censors to the person, body or court designated by the regulations and subject to the conditions prescribed in the regulations.

[R.S.A. 1955, c. 13, s. 22]

Films for  
censoring

16. (1) A person who conducts, operates or manages a film exchange and any other person may submit a film for censoring upon payment of the fee and costs and expenses prescribed by the regulations.

(2) No person who conducts, operates or manages a film exchange shall lend his name or licence to enable an unlicensed person or persons to have a film censored thereunder.

[R.S.A. 1955, c. 13, s. 23]



Stamp of  
censor

**17.** The censor or board of censors shall cause each film that he or they permit to be exhibited to be stamped with a stamp indicating his or their approval.

[R.S.A. 1955, c. 13, s. 24]

Renting, etc.,  
of uncen-  
sored film

**18.** No person who conducts, operates or manages a film exchange shall rent, lease or sell or agree to rent, lease or sell a film that has not been passed for exhibition by the censor or board of censors.

[R.S.A. 1955, c. 13, s. 25]

Use of un-  
censored film

**19.** No person shall by means of a cinematograph, moving picture machine or other similar apparatus,

(a) exhibit a film until it has been passed for exhibition and stamped by the censor or board of censors, or

(b) use any such apparatus until he has complied with the regulations.

[R.S.A. 1955, c. 13, s. 26]

Exemption  
from  
censorship

**20.** (1) The Minister may in his discretion exempt from censorship any film to be exhibited by or on behalf of an educational organization and permit the educational organization to exhibit the film on such terms and conditions as he may impose.

(2) Where a film is exempted from censorship under subsection (1),

(a) section 18 does not apply to the renting, leasing or sale of the film, and

(b) section 19 does not apply to the exhibition of the film,

for the purpose permitted by the order of exemption.

[1961, c. 3, s. 2]

Seizure of  
uncensored  
film

**21.** A film that is exhibited or brought into Alberta for exhibition and that does not bear the stamp of the censor or board of censors certifying approval thereof or does not comply with this Act or the regulations is liable to seizure and confiscation.

[R.S.A. 1955, c. 13, s. 27]

Censor  
certificate

**22.** A certificate containing

(a) the name of the film,

(b) the name of the maker,

(c) the name of the film exchange, and

(d) the licence number,

shall be issued by the Minister in respect of all films permitted by the censor or board of censors to be exhibited.

[R.S.A. 1955, c. 13, s. 28]

Municipal  
licence

**23.** (1) If a city, town or village lawfully requires the owner of an amusement, place of amusement or travelling amusement required to be licensed under this Act to hold also a licence from such city, town or village, no such licence shall be issued unless the applicant is the holder of and produces a valid and subsisting licence issued under this Act in respect of such amusement, place of amusement or travelling amusement.

(2) No such licence shall be issued to a moving picture theatre exhibiting standard films unless the applicant is also the holder of a certificate of compliance obtained from the Chief Inspector of Theatres and certifying that the applicant has complied with the regulations governing the use, operation and safety measures with regard to fire and other hazards.

[R.S.A. 1955, c. 13, s. 33]



### 3. ORDER-IN-COUNCIL -- ESTABLISHING THE COMMITTEE ON OBJECTIONABLE PUBLICATIONS

Pursuant to Chapter 9, Section 3, The Cultural Development Act.

The Executive Council further advises, upon the recommendation of the Honourable the Minister of Economic Affairs, that the Chairman of the Board shall receive a subsistence allowance of Fifteen Dollars (\$15.00) per day and that the other members of the Board shall receive a subsistence allowance of Twelve Dollars (\$12.00) per day for each and every day that they are engaged in the work of the Board, together with travelling expenses and such other expenses as may be

December 20, 1954

### 4. SIGNIFICANT RULING BY ALBERTA JUDGES

## Acquittal on obscene film charge

Odeon Mid-Western Ltd. was acquitted today in provincial judge's court of a charge of showing an obscene entertainment — the controversial movie *Without a Stitch*.

And in dismissing the charge laid in February by city police, Provincial Judge Lucien Maynard said their action in prosecuting after the movie had been passed by the provincial censorship board was "inconceivable." The trial was held in August.

A spokesman for Odeon Mid-Western said today no decision has yet been made

when or whether the movie will reopen in Edmonton.

The film was seized by city police morality detectives Feb. 19 after a one-week run at the Rialto.

It ran uninterrupted last winter in Lethbridge and Calgary.

Judge Maynard said in a written judgment that although he personally did not like the movie, "the actions of various censorship boards throughout Canada in permitting the showing of the film . . . can be considered to be representative of contemporary community standards."

As a result, "the film is not obscene" within the legal definition, which considers the undue exploitation of sex to be obscene.

He added, that in his view, permits issued by the board constitute a better test of acceptable community standards "than either the evidence of statistics or of experts."

Judge Maynard said a film passed by one government agency, the Alberta censorship board, should not have been prosecuted by another arm of the provincial government.

"I feel that a prosecution under these circumstances is contrary to the basic elementary principles of natural justice."

He said: "It is inconceivable that one agency of the Crown should see fit to allow its citizens to do something which it considers right and just, when at the same time another agency of the Crown takes the position that what the first agency has done is wrong, and institutes criminal proceedings."

He suggested that the Crown may still prohibit the showing of the film in the province "if it so wishes" by establishing a proper and adequate guideline for film censorship.





## SUMMARY OF BRIEFS PRESENTED TO SELECT COMMITTEE

## RE FILM CENSORSHIP

Presenter	Representativeness	Retention of Censorship	Recommendations Supporting: Elimination of Censorship	Classification System with Age Limitations	Classification System for Public Information	Bases for Recommendations
1. L. W. Carlson	Individual		No adult censorship	No admittance under 18 to Adult movies		Freedom of choice for adults
2. M. Kalinowsky	Individual		No censorship of sex but increased controls over brutality, violence and crime.			Brutality in films responsible for increase in violent crimes.
3. G. G. Stromberg	MLA, Individual	Add censorship of T.V.				Viewers wrongfully exposed to the vulgar and obscene.
4. C. E. Norman	Individual	Add censorship of T.V.				Certain programs lower standards and create bad influence on young people.
5. K. Young	Individual	Add censorship of T.V.				
6. M. A. Travers	Individual	1. Add X category for private film study groups over 18 years. Not to be classified or cut by censors. 2. Technical difficulties for amateur film maker in submissions to Censor B. which increase costs & time to get Board approval. Disclose to public any deletions by Censor Bd.			Additional info. to public via classification board.	Censor board lacks staff and equipment to view all films prior to public showing.
7. R. Touche				R.A. lowered to 16. Category restricting all under 21 to movies showing violence or corruptive of social standards.	Provide more info. to public.	Corruption of impressionable adolescents by certain films.
8. G. L. Sanders	Individual		No censorship of any media		Rating system for all media as guide to public.	Censorship contrary to freedom of choice.
9. B. B. Manson	Chairman, Committee on Intellectual Freedom, Edmonton Library Assoc.		No censorship of any media		Label as to age level and content	Free choice a basic human right.
0. P. Taylor	Individual	Stricter controls to eliminate "violence, gore & bad language".				Protection of public from immoral influence of films.
1. D. C. Wighton	Individual	Abolish all censorship.			Label (only)	Censorship contravenes individual freedom of choice.
2. F. C. Heather	Individual	Abolish all censorship.				Restricts individual freedom. Censorship of sexual materials may encourage sexual crimes.



Persentor	Representativeness	Recommendations Supporting: Retention of Censorship	Elimination of Censorship	Classification System with Age Limitations	Classification System for Public Information	Bases for Recommendations
13. M.A. Davies	Individual				Infants should be allowed to attend R.A. films. Label (only).	Regulation prevents parents from attending R.A. movies. Belief that public will not suffer deterioration of morals or be incited to immoral acts if censorship abolished.
14. F.A.M. Shoemaker	President, Calgary Film Society (2000 members)	Abolish all censorship Abolish fees and licensing of film societies. Alberta only province imposing restrictions.				
15. D. Robertson	Individual	Abolition of all censorship.			Review Board to classify for public information.	Opposes any restriction on formulation and communication of ideas. All judgments are subjective. Increasing need for "visual literacy" as Canadian films are becoming more important as a teaching tool for Canadian identification.
16. R. Cruse	Individual	Abolish censorship.			Retain classification.	Questions qualifications and knowledge to Censor Bd. in denying public right to view certain films. Sex should be treated with respect and proper discipline. Failure to heed Biblical teachings. Biblical injunctions support censorship. Censorship aids parents.
17. W. Davidson	Three Hills W.C.T.U. Publicity Press Secty.	Censorship of all media as to "obscenity and suggestiveness."		Remove R.A. classification. Lower age limitations. Retain present system.	Additional information for parents re content.	Adult & parental freedom of choice. Censorship violates human rights and insults intelligence of adults. Concern for entertainment suitable for family viewing.
18. V. Davidson	Individual	Censorship of all media				
19. S. Woodard	Individual		No censorship for adults			
20. L. Dodd, Secty.	W.I. of Coburn, Alta.	More cutting of Adult movies to make suitable for family viewing.				
21. R.L. Peipenburg	Individual	Local govt. should have ultimate control		Additional controls over all mass media. Public info. & educ. program to encourage study of human values & aesthetics.		Permissive cultures will not survive thus controls are necessary to influence value judgments of public and raise cultural level of society.
22. L. Miller	Individual		Gradual elimination of controls		Additional info. re content with ultimate choice left to parent.	Parental responsibility to teach morals based on "real world". Censorship by govt. abrogates responsibility of parents.
23. S. Bossmin	Individual	Controls for under 18 without parental consent	No censorship for adults.		Classification of all entertainment with controls for those under 18.	Freedom of choice for adults with controls to protect minors whose actions may be influenced by content and result in anti-social behavior.
24. M. Bruchofsky	10 person petition		Abolish all censorship.		Classification (only)	Censorship an infringement of civil liberties. Censor Bd. appointed, thus do not represent a consensus of public opinion. Evidence does not support any benefits to society from censorship. Degeneracy in Nazi Germany under severe censorship.



Presenter	Representativeness	Retention of Censorship	Recommendations Supporting: Elimination of Censorship	Classification System with Age Limitations	Classification System for Public Information	Bases for Recommendations
35. D. Roles	Individual		Sexual material incorrectly considered obscene.			Censorship re sex hypocritical. Inconsistent with greater obscenity condoned by society, i.e. violence, social injustices.
36. P. Smerek	Individual		Abolish Adult censorship	Restrictions at 14 and 18 year levels.	Committee to have broad representation including persons from Judo-Christian ministry.	Attempts should be made to uphold Judo-Christian morality and standards basic to a stable society.
37. D.C. McDonald Policy Comm.	Chairman, Liberal Party of Alberta		Abolish Adult Censorship.	Present system of juvenile limitations. More rigid enforcement of age restrictions & penalties for exhibitors who admit underage.	Request info. about films including reasons for classification.	Validity of provincial censorship laws requires decision by the Supreme Court of Canada.
38. B. Faulkner	Individual	No relaxation of present controls.				Must uphold moral laws and protect and shield public from irresponsible temptations.
39. W.R. Corbett	Individual		Abolition of all censorship.			Teacher attempts to teach censorship but students prevented from exercising their critical abilities.
30. V. Maerz	Individual	No relaxation of present controls.				Protection needed from pollution of young minds by obscene movies, books and magazines.
31. V. White	Individual	Strict censorship of all media- books, magazines, movies and T.V.				Pollution of the mind by subversive forces - young must be protected.
32. Dr. I. Drummond	Individual		Relaxation of censorship.			Unfair to have to wait or travel to another province to view a film banned in Alberta.
33. H. Acheson	Individual	Censorship of explicit sex, cruelty, violence & vulgar language. Need highly qualified board or person to make binding decisions.				Albertans need protection of freedom to view decent movies in their homes or theatres without revulsion or embarrassment.
34. D. MacDonald	Chm., Alberta Young New Democrats	For persons under 16.	No censorship of films, written or live entertainment for persons 16 and over.	Under 16 only	Information only	Censorship violates basic human freedom and should be gradually abolished.
35. J. Ferri	Individual	Prohibition of children from Adult films.		18 yrs. for Adult movies		Freedom of choice for adults - greater control of movies and drugs for minors.
36. I. V. Long	Chm., Robertson-Vesley United Church Study Group	Enlargement of Appeal Board to include wider citizen representation.		Encourage censorship criteria on an inter-provincial basis. Encourage Canadian films.		Censorship need to protect public from continued exposure to violence and abnormal sex which encourages acceptance of these as the normal moral standard.
37. V. Lange	Individual		Remove all censorship.		Information only	Choice of entertainment should be left to individual.





Recommendations Supporting:			Classification System for Public Information		Bases for Recommendations	
Presenter	Representativeness	Retention of Censorship	Elimination of Censorship	Classification System with Age Limitations	Remove Restricted Adult	Responsibility for censorship that of parent - not government.
8. P. Fuog	Individual	Retain Censorship.	Removal of all censorship.	16 yrs. age limit for Adult movies.		Protect public (especially children) from current trend of films featuring sadism, masochism, copulation & putrescent pictures.
9. C. McCallum	Individual			Add category for children under 8 yrs.		No evidence to support theory that offensive material is dangerous to public. Burden of proof rests with Censor Board.
10. R. Hornby	Individual		Remove all censorship.		For information only.	To prevent loss of sanctity, modesty and decent morals.
1. R. Stetson, Pres. Local 6303 Women's Unifarm	Individual	Retain censorship	Remove all censorship.	Encourage censorship criteria on interprovincial basis.	Info. on radio, T.V. & news-paper advertising.	Need to update laws. Support new Manitoba legislation.
2. L. McKenzie	Individual		Remove all censorship.		For information only.	Repressive laws tend to encourage crimes they are designed to prevent. Censorship infringes on basic human right of free choice.
3. P. Fahy	Individual		Remove all censorship.			Adult Albertans should have freedom of choice. Alberta laws need reform in keeping with other provinces.
4. B. Baldwin	Individual		Abolition for adults.	Add X classification as in U.S. with 18 as minimum age to view. Regulate public display of offensive posters and stills for advertising.		Public responsibility to guard against decline in moral standards. Exposure breeds acceptance of violence and immorality. Adults continue to learn and be influenced by what they view - hence require censorship.
5. R. d'Alquen	Individual	Enlarge censor board by jury selection system to represent cross section of society. Public showings must be censored.		As now operates.		Federal obscenity laws sufficient controls.
6. P. C. Anderson	Individual		Removal of adult censorship.	To protect children.		Changes in time with updated legislation in other provinces and better reflect public opinions and maturity of young people today.
7. D. E. Menzies	Pres. Motion Picture Assoc. of Alberta	1. Appeal from every decision of C.B. 2. Enlarge Board to represent cross section of public. 3. Films banned should be allowed resubmission sooner than 2 yrs. 4. Films considered obscene should be banned. 5. Criminal Code amended to protect exhibitor from prosecution if film approved by Provincial Board.		General - Suitable for all Adult - Not suitable for juvenile and family viewing. (Onus on parent to decide) Restricted - No admission under 16		Exhibitors should function under consistent laws within the province and not be subjected to prosecution by the Criminal Code if prov. Censor Bd. has approved a film.
8. Illegible Signature	Individual	Firmer controls. Ban all violence and all sex.		Firmer controls		Viewing violence and sex deprave the viewer and cause loss of humanness. Changes in society have been caused by the media and the public requires protection from immorality.



Presenter	Representativeness	Recommendations Supporting:		Classification System with age limitations	Classification System for Public Information	Bases for Recommendations
		Retention of Censorship	Elimination of Censorship			
9. M.J.Vien	Individual		Remove all censorship.	Family - Suitable for 4 yrs. and older Adult - Admit under 14 with parent Restricted - Over 18 - not considered objectionable to most people. Restricted X - Material may be objectionable. Clear warning of why so rated. Same rating for stage plays and club acts.		Infringement of human rights to deny person free choice of material to see hear or read. Local charges laid under Criminal code means unfair treatment under the laws of Canada.
10. H.B.Hillman	Individual		Remove all censorship			Censorship usurps freedom of choice. Censorship negates parental responsibility. Censorship based on subjective judgments. Censorship based on belief that increased availability of pornography results in more sex crime - untrue. Censorship implies restriction on freedom of choice - therefore a violation of meaning and intent of democracy.
11. R.Smith	Individual		Remove all censorship except of political material found to be subversive.	Clear indication by Public Media Review Bd. of nature of material and suitable warnings where necessary.		
12. H.W.Coles	Individual		Stricter enforcement			Favors return to decency and wholesome entertainment.
13. W.H.Barron	Individual		Present Censor Board somewhat too lax.			Laxity may have a deleterious effect upon impressionable young people.
14. M.A.Michiels	Individual		Needed to control sadism and callous sex.			Controls must be maintained to protect children and irresponsible and irrational people from material that may be harmful to them.
15. 9 Calgary School children 14 - 16 yrs. old Grade 6 class at Lendrum School				Lower age of Adult movies or in some other manner make more films available to 12 & 16 age group.		Increased maturity of 12 - 16 age group should allow attendance at more movies than present classification system allows.
16. Petition signed by 23 persons.			Remove all censorship.		To give public information and warning as to contents of film.	Censorship is unjustified interference with personal choice & is unworkable in practice. Family & society fostering of good taste is best approach.
17. E.M.Laycock			For books, movies & T.V.			Pornography gives a false impression of normal behavior. Progressively harmful effect of pornographic matter.



Presenter	Representativeness	Recommendations Supporting: Retention of Censorship	Elimination of Censorship	Classification System with Age Limitations	Classification System for public information	Bases for Recommendations
58. Petition of 38 persons protesting censorship of "A Clockwork Orange"						
59. H. Besette	Individual		Remove all censorship.	Lower age limits		Christian tenet that man be free to shape his own destiny - guided by his conscience.
60. N.G.Koch	Individual		Censorship in present form.			Censorship in public interest and controls in film industry.
61. R.B.Zelichson, Chm. Calgary Film Board			Remove all censorship.	Add Category X for films felt to be exploitive of sex, crime or of no social value. Admission to 18 and over. Exhibitors to make decision to accept rating or make cuts to allow another rating. Add 18 - 30 age representation to Classification Board.	Notes to patrons and parents to enable decision to attend. Classification system in line with other provinces.	Freedom of choice for adults. Parental responsibility for children.
62. D. Guenther	Individual	Only in extreme cases. "Clockwork Orange" should not have been banned.				Censorship a weapon to be used only when best interest of public in clear danger.
63. E.Locker, Sec. C.W.L. Hayter, Alta.		As now regulated.				Important to retain censorship, especially for young people.
64. W.E.Thomson	Individual	As now regulated.				Must protect those who are unstable and could emulate violence and/or rape as shown in films.
65. B.Bailey	Individual	As now regulated.		No admittance to moves of youth even when accompanied by parent.		Government must take a fair but firm stand.
66. J.Hackie	Individual		Abolish all censorship.	Restrictions for minors when appropriate.	Board to classify films and books.	Adults should have the right to read or see any book or film of their choice.





Twenty-nine of the 66 briefs concerned with censorship of films suggest that present controls be continued or more strictly enforced. Seven of these briefs propose extension of censorship to other media. Five of the above briefs represent groups of persons, i.e. W.C.T.U. of Three Hills, W.I. of Coburn, a church study group. Concerns center around protection of adults and minors from immoral influences and lowering of community standards through exposure to films of a notably sexual or violent nature.

Recommendations of the 37 remaining briefs range from abolition of all censorship to retention of censorship at varying age levels. Personal freedom of choice and parental responsibility for children are central concerns of these submissions. They reject the qualifications and/or validity of an appointed board to cut or ban certain films. Represented among these briefs are six groups ranging in size from 10 persons to 2,000 members of the Calgary Film Society.

The submission of the Motion Picture Assoc. of Alberta contains a number of specific proposals for change in current legislation consistent with updated legislation in other provinces. They support retention of a censor board and suggest changes in federal legislation providing protection for exhibitors from criminal proceedings when provincial censor boards have approved films.



# APPENDIX E. (2)

## SUMMARY OF BRIEFS TO SELECT COMMITTEE

### RE CONTROL OF PUBLICATIONS

Presenter	Representativeness	Retention of Controls	Recommendations Supporting: Elimination of controls	Comments	Bases for Recommendations
1. J.K. Fraser	Alberta Periodical & Paperback Wholesalers, Edmonton, Calgary and Lethbridge.	1. Update rules and procedures to expedite work of AB on OP. 2. Public info. re work of AB. 3. Cooperation of law enforcement with AB. 4. Review of paperback books. 5. Use of "in rem" proceedings by courts prior to charges being laid under criminal code.			Function of AB on OP in the public interest and in the interest of the periodical and paperback industry to screen publications to minimize prosecutions under Criminal Code.
2. B.B. Hanson, Chm., Committee on Intellectual Freedom	Edmonton Library Assoc.		Abolition of AB on OP	Burden of proof of harmful effect should rest with prosecutor.	Censorship negates free exchange of info. and denies free choice of individual.
3. P. Taylor	Individual	Strict laws and enforcement			protection of public from immorality.
4. F.C. Heather	Individual		Remove all censorship		Restricts individual freedom
5. W. Davidson, Pub. Three Hills & Press Secty. W.C.T.U.		Strict censorship of obscene and suggestive material.			To retain religious teachings and treat sex with respect and proper discipline.
6. W. Davidson	Individual	Censorship of all media.			Biblical injunctions. Parents need help of censorship.
7. S. Bossmiin	Individual	Censorship of publications advocating change of present political and social structures by violent means.		Advocates classification system and restriction of certain material to 18 yrs. and over.	Govt. responsibility to assist parent and uphold community standards.
8. Mr. & Mrs. C. Pali	Bookstore owners		Present controls too severe.	Section of bookstore could be made available to adults only. Excessive violence considered more obscene than sexually explicit material.	Present enforcement of laws inconsistent throughout province.



Presenter	Representativeness	Recommendations Supporting: Elimination of Controls		Comments	Bases for Recommendations
9. F.F. Cottingham	Individual	Retention of Controls	Extend controls to: 1. School texts & libraries to eliminate foul language and other offensive material. 2. Poems & recordings urging youth to leave home and use drugs. 3. Ban Sensitivity Training. 4. No sex education on T.V. or radio before 10 p.m. with prior warnings.		Pornography harmful to society. Minors must be protected. Govt. responsibility to reverse trend to a "no morals" society.
10. D.C. McDonald, Chm. Liberal Party Policy Committee of Alberta			Oppose provincial censorship of stage productions, books, periodicals or newspapers.	Propose review of function of AB on OP.	Question of validity of provincial censorship laws requires decision by Supreme Court of Canada.
11. W. Maerz	Individual	Extension to books			Protection needed from pollution of young minds by obscene books and magazines.
12. V. White	Individual	Extension to books, paperbacks and magazines.			Pollution of the mind by subversive forces - young must be protected.
13. Mr. & Mrs. H. Gutnik	Booksellers	"Adult only" section in bookstore.	Remove censorship for Adults.	Censorship encourages distribution of material illegally at high prices. Exposure to all material does not heighten interest in young people.	Definition of obscenity subjective and subject to change.
14. J. Ferri	Individual	Strict controls over material for minors.	No censorship for adults.	Lack of consistency in current laws and enforcement.	Adults capable of free choice. Minors need greater controls than at present.
15. P. Fahy	Individual		No censorship.	Rating system could indicate possibility of offending material.	Repressive laws tend to encourage kinds of crime they are designed to prevent. Censorship infringes on basic right of free choice.
16. B. Baldwin	Individual	Area in bookstores restricted to minors.	No censorship for adults.	Regulate public display of offensive advertising.	Adults should have freedom of choice.
17. P.C. Anderson	Individual		No censorship for adults.		Federal obscenity laws sufficient control.
18. A. Hind, Secty. Conrich Home & School		1. Offensive literature stapled shut on newsstand. 2. Or, sold in sealed bag labeled Adult Only, not to open until purchased. 3. Material out of reach of children.			Children must be protected from obscene and pornographic material.





Presenter	Representativeness	Recommendations supporting:		Comments	Bases for Recommendations
		Retention of controls	Elimination of controls		
19. M.J.Vien	Individual		No censorship.	Clear labelling where material may be objectionable.	Censorship an infringement on human rights.
20. H.B.Hillman	Individual		No censorship.		Censorship usurps freedom of choice and negates parental responsibility. Correlation between amount of pornography available and crime rate is not a valid argument.
21. R. Smith	Individual		Remove all censorship except political material found to be subversive.	Clear indication by Public Media Review Board of nature of Material and suitable warnings	Censorship implies restriction of freedom of choice - therefore a violation of meaning and intent of democracy.
22. E.G.Keller	Individual	To protect young people.		Legislation needed to prohibit sale of "literary crap".	Material available that should be prohibited.
23. E.H.Laycock	Individual	For books, movies, T.V.			Pornography gives a false impression of normal behavior. Progressively harmful effect of pornographic literature.
24. J. Mackie	Individual		No censorship for adults.	Classification system to prevent sale to minors of material deemed objectionable.	Adults should have right to read or see any book or film of their choice.



Of the 24 briefs submitted dealing exclusively or in part with censorship of publications, 11 support control over publications while 13 favor elimination of all controls, or restrictions applicable only to minors. The latter include 2 briefs from bookstore owners and 2 representing sizeable groups of people, i.e. Edmonton Library Association and the Liberal Party of Alberta.

Both booksellers suggest that bookstores employ a restricted area where minors not be admitted to browse or purchase. Alternative suggestions include "sealed" and restricted sales of certain material found unsuitable for minors.

As in the area of film classification, many persons who favor or ~~X~~ oppose censorship agree that a definitive labelling system would be of benefit to parents or adults who may be offended by certain types of publications.

Certain functional problems regarding the operation of the Advisory Board on Objectionable Publications are outlined by the Alberta Periodical and Paperback Wholesalers Association. Of primary concern to this Association is cooperation between law enforcement agencies and the AB on OP to avoid prosecution of distributors under the Criminal Code when periodicals have not been found objectionable by the Advisory Board.

[illegible]



CA2ALXC 2-72C53  
c.2

**Alberta**  
PROVINCIAL LIBRARY  
Edmonton



